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Intellectual Property Law

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TO: Rosalind V. Smith, Legal Instruments Examiner  
 USPTO FACSIMILE NO.: (703) 872-9306  
 USPTO REFERENCE: Applicant: van der Burg, et al.  
 Serial No.: 10/674,553  
 Filed: September 30, 2003  
 Title: METHOD AND DEVICE FOR LEFT ATRIAL APPENDAGE OCCLUSION  
 ATTORNEY: Sabing H. Lee  
 PHONE NO.: (949) 721-6360  
 ATTORNEY DOCKET NO.: MVMDINC.1CP1C3  
 TOTAL PAGES: 3 (INCLUDING COVER SHEET)  
 OPERATOR: D. Munson  
 DATE: March 10, 2005

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MESSAGE: *Attached for filing in the above-referenced application are:*

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT OF  
FEBRUARY 11, 2005 IN TWO PAGES

1331815\_1  
031005

San Diego

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PAGE 1/3 \* RCVD AT 3/10/2005 6:14:11 PM [Eastern Standard Time]\* SVR:USPTO-EFXRF-14 \* DSN:8729306 \* CSID:9497609502 \* DURATION (mm:ss):01:32

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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

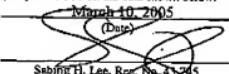
|             |   |
|-------------|---|
| Applicant : | van der Burg, et al.  |
| App. No. :  | 10/674,553  |
| Filed :     | September 30, 2003  |
| For :       | METHOD AND DEVICE FOR<br>LEFT ATRIAL APPENDAGE<br>OCCLUSION |
| Examiner :  | Unknown   |

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March 10, 2005

(Date)



Sabing H. Lee, Reg. No. 3,204

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT OF FEBRUARY 11, 2005**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

On February 11, 2005, the Legal Instruments Examiner mailed a Notice of Non-Compliant Amendment in the above-captioned case. The Notice says, "The amendment filed on 9/30/03 is considered non-compliant . . ." In addition, the Notice says, "As of July 30, 2003, all continuing data must be on or in a Pre-Amendment[;] can no longer be part of Transmittal Letter."

The above-captioned application was filed on September 30, 2003 with a Notice of Copending Applications, but there was no amendment filed in this case on that date. A preliminary amendment was filed on February 6, 2004, but that amendment did not amend the application's priority claim. The priority claim for the application was provided in the originally-filed specification of the application, and has not been amended.

The Applicants believe that perhaps the Legal Instruments Examiner erroneously considered the Notice of Copending Applications filed with the application to be an amendment to the priority claim, and that this was the basis for sending the Notice of Non-Compliant

Amendment. However, the Notice of Copending Applications was provided only to inform the Examiner of information related to copending U.S. Patent Applications. See MPEP § 2001.06(b).

Therefore, since there was no amendment filed in this case on September 30, 2003, the Applicants respectfully request withdrawal of the Notice of Non-Compliant Amendment.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 3-10-05

By:   
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